

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TONY DELGUERICO, ET AL.	:	CIVIL ACTION
	:	
v.	:	
	:	
SPRINGFIELD TOWNSHIP, ET AL.	:	NO. 02-3453

O R D E R

_____**AND NOW**, this 8th day of November, 2004, in consideration of John and Patricia Hammill's "Motion Vacate and Strike" (Docket No. 47), **IT IS HEREBY ORDERED** that the Motion is **DENIED**.¹

BY THE COURT:

John R. Padova, J.

¹John and Patricia Hammill were dismissed, without prejudice, as Defendants to this action by Plaintiffs on August 11, 2004 pursuant to Federal Rule of Civil Procedure 41(a)(1). They have filed the instant Motion to ask the Court to strike their dismissal from this action on the grounds that they did not agree to be dismissed as defendants to this action and because they seek to oppose the entry of a consent decree in this case which contains language which they believe will prejudice their rights with regard to subsequent litigation. The Hammills did not file an answer or motion for summary judgment in this proceeding. Consequently, they were properly dismissed as parties by Plaintiff pursuant to Rule 41(a)(1). Furthermore, the Consent Decree submitted for approval by the remaining parties to this action does not contain the language contested by the Hammills. Accordingly, the instant Motion is denied.